



July 1, 2021

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A representative of Defendants with decision-making authority is not required to attend the mediation in person. However, such a representative shall be available for the duration of the mediation to respond to any calls, emails or texts from Memorial Sloan Kettering's Assistant General Counsel.

VIA ECF FILING ONLY

Hon. Lorna G. Schofield, U.S.D.J.
United States District Court, SDNY
500 Pearl Street
New York, NY 10007

The Clerk of Court is respectfully directed to close the motion at Docket No. 214.
Dated: July 6, 2021
New York, New York

Re: Powers v. Memorial Sloan Kettering Cancer Center, et al.
Docket No. : 1:20-cv-02625



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

Defendants respectfully write in response to Plaintiff's request for Your Honor to intervene in regards to the upcoming private mediation session with the Hon. Shira A. Scheindlin on July 7, 2021. (Doc. 214).

The mediation is being attended by Memorial's Assistant General Counsel, who is an experienced former litigator and has full familiarity with this matter. Meditation is voluntary as are all aspects of it and is outside the litigation process. There is no case law, rule or precedent for one side demanding, dictating or attempting to compel the manner in which the other side approaches mediation. Plaintiff's attempt to do so is antithetical to the voluntary aspect of the mediation process.

Accordingly, Defendants respectfully request the Court deny Plaintiff's application in its entirety.

Respectfully submitted,

KAUFMAN BORGEEST & RYAN LLP

/s/ Betsy D. Baydala

Betsy D. Baydala

cc: via ECF filing
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